



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Early Learning

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose:

The purpose of this rule is to allow the new Department of Early Learning to continue performing background clearances on and providing due process hearing procedures to child care providers after the department separated from the Department of Social and Health Services and became a new department on July 1, 2006. No rules are being appealed or amended, but obsolete DSHS rules about background checks and hearings are being replicated in new WAC Title 170, which is the new Department of Early Learning title.

Citation of existing rules affected by this order:

Repealed: None Amended: None Suspended: None

Statutory authority for adoption: Chapter 265, Laws of 2006, Section 301

Other authority : Chapter 265, Laws of 2006

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR _____ on _____.(date)

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____ e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☒ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: SSHB 2964 (chapter 265, Laws of 2006) created the new Department of Early Learning, effective July 1, 2006. The department had existed in the past as Division of Child Care & Early Learning, a part of DSHS. One function of the department is to perform background checks on applicants for child care licenses and workers in child care. These rules also set up a process for hearings in those instances when an applicant for a child care license is denied the license or denied clearance to work with children. With the creation of the Department of Early Learning, child care background check and hearing rules DSHS rules in Title 388 WAC became obsolete for the purpose of regulating child care. These new rules are needed to allow the new Department of Early Learning to continue the business of performing background checks and conducting hearings. This is vital to the health and safety of children in care. These rules are necessary to implement the Legislature intent in SSHB 2964.

Date adopted:

NAME (TYPE OR PRINT)

Carla Gira

SIGNATURE

TITLE

Interim Rules Coordinator, Dept of Early Learning

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-----------|---------|-----|----------|-----|
| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | <u>72</u> | Amended | ___ | Repealed | ___ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-----------|---------|-----|----------|-----|
| Negotiated rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Pilot rule making: | New | ___ | Amended | ___ | Repealed | ___ |
| Other alternative rule making: | New | <u>72</u> | Amended | ___ | Repealed | ___ |